

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 20, 2015

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on July 20, 2015. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

Commissioner Briley called the meeting to order at 6:00 p.m. Commissioner Briley publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Commissioner Briley then led in the Pledge of Allegiance. Upon roll call the following answered present: Jim Stark, Jeff Crunk, Vic Johns and Mindy Briley. Absent: Mayor Bequette. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Crunk moved to approve the minutes of the July 6, 2015, City Council Regular Meeting, seconded by Commissioner Briley. Upon roll call the following voted YES: Stark, Johns, Crunk and Briley. Voting NO: None. Motion adopted.

Commissioner Briley moved to pay all claims as presented, seconded by Commissioner Stark. Upon roll call the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion passed.

CLAIMS LIST						
July 20, 2015						
ACCO	Maint	1,132.19		Mercer's Do-It-B	Sup	360.41
Adkins Signs	Sup	145.00		Michael Todd and	Sup	863.82
Alamar Uniforms	Unif	79.99		Missoula	Fine Arts	2,400.00
All Roads Barricades	Rep	2,187.00		Mullenax Auto Su	Sup	26.30
Arbor Mart, Inc	Fuel	2,976.61		Napa	Sup	541.60
Barrett, L.	Rfnd	25.00		Nationwide Trust	Inv	13,201.23
Bill Walters & Sons	Rep	1,405.82		NC Museum Asso.	Contr	2,406.25
Bishop Plumbing	Rep	215.35		NC Utilities	Util	9,996.19
Bound Tree	Sup	1,117.19		NCTC	Contr	6,250.00
Card Services	Misc.	512.32		Nebraska Crime Com	Directory	16.00
Casey's	Fuel	149.77		NE Depart of Rev	Sls Tax	2,445.45
Citizen Printing	Sup	150.00		NE Workforce	Contr	4,338.94
Coca-Cola Refres	Bev	458.83		O'Reilly Auto	Sup	52.10
Concrete Industr	Sup	429.50		Odey's Inc.	Maint	88.48
Denniston, P.	Rfnd	112.98		Otoe County Clerk	Contr	4,423.46
Dia, T.	Misc.	828.00		Paper Tiger	Garbage	35.00
Don's Johns & Se	Misc.	100.00		Payroll	Payroll	108,487.97
Double Eagle	Bev	547.90		Radke, K.	Misc.	150.00
Eakes Office Sol	Sup	147.45		River City Inv.	Loans	175,000.00
Emergency Repair	Rep	167.00		Rose Equipment	Rep	310.32
EMS Billing	Contr	3,942.28		Roy2Holly LLC	Rfnd	200.00
EPOCH Eyewear	Mdse	192.00		RR Donnelly	Sup	176.13
Fareway Stores	Conc	53.74		Schneider, R.	Rfnd	200.00
Gatehouse Media	Adv	168.23		Shell	Fuel	1,915.75
Grimm's Gardens	Rfnd	14.87		Spiral	Loan	150,000.00
GUARDIAN	Ins	3,707.03		St. Mary's Supplies	Sup	152.18
HireRight Soluti	Contr	51.50		St. Mary's Hospital	Med	66.00
Holtz, D & A.	Rfnd	1,090.00		Sutphen Corp.	Rep	47.00
Hopkins Auto	Rep	64.60		Tielke's	Conc	31.70
Ideal Pure Water	Sup	154.48		Tiller, L.	Rfnd	100.00
J. Park, LLC	Contr	900.00		TRICARE	Rfnd	402.14
Jebro Inc.	Sup	1,022.39		Tri-State Excavating	Rep	800.00
JEO	Contr	11,395.00		Tri-State Rentals	Sup	64.80
K&Z Distributing	Bev	113.40		Twisted K	Unif	48.00
Kastens, K	Rfnd	39.14		Tyco Integrated	Contr	154.95
KBIE FM 103.1	Adv	162.00		UHC	Ins	57,728.02
Kreifels Electric	Rep	65.00		Unifirst Corp.	Sup	139.40

Landis Engine Co	Equip	41.45	United Healthcare	Rfnd	718.40
Larson Motors	Rep	184.17	Verizon	Tele	14.06
League of Nebr.	Training	317.00	Westlake	Sup	72.21
Lincoln Financial	Ins	2,582.21	WG Contracting LLC	Rfnd	25.00
Loveland Grass	Seed	363.75	Whiteman, P.	Rfnd	25.00
Martin Marietta	Sup	713.31	Whittington, D.	Rfnd	25.00
Mather, B.	Rfnd	25.00	Windstream, Inc.	Tele	1,756.23
Matheson Tri-Gas	Sup	90.53	Windward Homes	Rfnd	200.00
Mead Lumber	Sup	78.36			

Treasurer's report was given, As of June 30, 2015, Total Nebraska City funds of \$8,222,699.91, Total Cash and Reserve for Nebraska City Utilities of \$16,290,649.78. Total of City of Nebraska City funds \$24,513,349.69. City Administrator Report was given. Moved by Commissioner Stark and seconded by Briley to accept the Treasurer's Report and City Administrator Report. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

City Administrator, Grayson Path, presented the updated Budget and CIP sheets to the council. He asked the council to take some time in the next couple weeks to do their CIP priorities and return to him.

Moved by Commissioner Crunk and seconded by Stark to approve request from NCRA to offer free admission to pool patrons, and hold evening Doggy Dip on Jul 31, 2015. Commissioner Crunk said July 31st is the last day the pool will be open. Upon roll call, the following voted YES: Johns, Stark, Crunk and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Briley to approve request from NC Swim Team to offer items from current pool for sale and for Swim Team to keep proceeds from sale. Upon roll call, the following voted YES: Stark, Johns, Crunk and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Briley to accept and approve the bid from Steve Walters & Son, Inc. for the CIS Nuckolls Square Park Improvements in the amount of \$117,978.38 with the entering of the construction contract being contingent upon receipt of grant funding from the state as applied for through SENDD. Upon roll call, the following voted YES: Johns, Crunk, Stark and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Crunk to table approval of Application of Manager for Renee L. Snyder, Walgreens Liquor License until August 3, 2015 council meeting. Renee L. Snyder and Police Chief, David Lacy were not present. Upon roll call, the following voted YES: Johns, Crunk, Stark and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Crunk to deny the request from UNITE to use ROW to provide fiber support to Lourdes Central Catholic Schools. Commissioner Stark said the problem is no one is here to talk about it and we keep putting it back on the agenda. Commissioner Briley said it can only be put back on a couple more times. Commissioner Stark said they can always put it back on for something else. Commissioner Crunk said that would ensure they have two more weeks to work out some sort of deal with Spiral, if possible, and if not we did the right thing by pulling them off because they didn't work a deal out. Upon roll call, the following voted YES: Crunk and Stark. Voting NO: Johns and Briley. Motion failed.

Moved by Commissioner Crunk and seconded by Briley to de-obligate LB840 funding of \$200,000 for PTT Project. Upon roll call, the following voted YES: Johns, Stark, Crunk and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Johns to approve SDL for McFarland Family Farms, LLC at Fox Center on September 19th and 20th, 2015. Upon roll call, the following voted YES: Stark, Johns, Crunk and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Crunk to approve request from NCTC to use Nine Picnic Tables for concert held in sunken parking lot on July 24, 2015. Upon roll call, the following voted YES: Stark, Crunk, Johns and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Briley to approve request from Jessica Womochil to block 12th Street between alley and 3rd Avenue for Community Block Party on

September 11, 2015 from 3pm to 9pm. Upon roll call, the following voted YES: Stark, Crunk, Johns and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve request to contract Engineering Design with Benesch on South 11th Street – 14th Corso Project. Public Properties Director/Zoning Director, Dan Giittinger said we have negotiated a contract with the selected company, Benesch, in the amount of \$154,968.25 to do all of the design and help us through the bidding process. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

Commissioner Briley introduced Resolution 2675-15 Reimbursement South 11th Street – 14th Corso Project. Moved by Commissioner Stark and seconded by Johns to approve Resolution 2675-15 for passage after reading. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

Resolution 2675-15

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of Project No. NC002-15, also known as, South 11th Street, 14th Corso South. The preliminary estimate of debt contemplated to be issued for such project exceeds \$1,900,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 20th day of July, 2015.

Mindy Briley, Vice President

Attest:

Mark Marcotte, City Clerk - Treasurer

Moved by Commissioner Stark and seconded by Crunk to approve RFP for BANS/Bonds for South 11th Street Project and South Interchange Project. Public Properties Director/Zoning Director, Dan Giittinger said the City's cost for South Interchange is 3,140,000.00 and 1,900,000.00 for South 11th Street Project. Upon roll call, the following voted YES: Johns, Crunk, Stark and Briley. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Electric Work Order #176 in the amount of \$12,566.30 to provide for the installation of a single phase Delta Primary Underground Line

Extension and service installation for the You Pick Area at Kimmel Orchard northwest of Nebraska City. In accordance with Nebraska City Utility Policy, The customer will provide approximately \$4,002.09 towards the construction cost. Moved by Commissioner Stark and seconded by Johns to approve Work Order #176 in the amount of \$12,566.30. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Water Work Order #366 in the amount of \$29,301.00 to provide for the installation of a new 4" Water Main to serve the new Aquatic Center. This Water Main will also provide water service to the North bathrooms and other facilities in that area. This project includes approximately \$5,025.00 for material with the bulk of the Project involving labor. The project will be coordinated with the Parks Department and the contractor for the Aquatic Center. Moved by Commissioner Stark and seconded by Johns to approve Work Order #366 in the amount of \$29,301.00. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Water Work Order #368 in the amount of \$25,248.00 to provide for the replacement of approximately 200' of 18" Water Transmission Main between the Well Field and the Water Treatment Plant in need of replacement due to corrosive damage and the recent repair of two leaks in that area. The area of the corrosive damage has been determined by doing excavations of the Main and therefore determining the amount of main in need of replacement. Moved by Commissioner Stark and seconded by Briley to approve Work Order #368 in the amount of \$25,248.00. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Water Work Order #370 in the amount of \$32,849.00 to install a 6" HDPE Water Main on South 12th Street between 2nd and 3rd Corso, the installation of a fire hydrant and connection of existing customers to the new Water Main. This Water Main installation will take the place of a 1 1/4" galvanized Main installed many, many years ago and in need of replacement. Nebraska City Utilities has a listing of small diameter Mains and replaces them as condition warrants or if hydraulic flows through the area need to be improved. Moved by Commissioner Stark and seconded by Johns to approve Work Order #370 in the amount of \$32,849.00. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Wastewater Work Order #410 in the amount of \$20,894.00 to provide for the replacement/relocation of approximately 280' of 6" Sewer Main in Steinhart Park as required for the new Aquatic Center. This project will be coordinated with Parks Department Staff and the contractor for the Aquatic Center. Moved by Commissioner Stark and seconded by Johns to approve Work Order #410 in the amount of \$20,894.00. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve the purchase of a used 2010 Yale 4,000 lb. frame forklift for use at the Utilities' Warehouse and other needed areas in the amount of \$10,750.00 plus applicable sales tax with trade-in of the present 1989 forklift that was purchased in 1993. The present forklift is in need of repairs deemed to be major enough that recommendation for the trade-in of the present forklift for a newer used forklift is most economical for the present and well into the future. Moved by Commissioner Stark and seconded by Crunk to approve purchase of a used forklift in the amount of \$10,750.00. Upon roll call, the following voted YES: Johns, Crunk, Stark and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Crunk to approve request from Robert Earl – BobbyScott BBQ to block alley from 4pm – Midnight, by sunken parking lot, to provide food for the concert on July 24, 2015. Upon roll call, the following voted YES: Stark, Crunk, Johns and Briley. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to accept bid from Christiansen Bros. Inc. for repair of the 4th Corso Viaduct, with Completion on or before August 15, 2015 in the amount of \$52,500.00. Upon roll call, the following voted YES: Crunk, Johns, Stark and Briley. Voting NO: None. Motion carried.

Meeting Adjourned at 7:14 P.M.

AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Mark E. Marcotte, City Clerk-Treasurer